

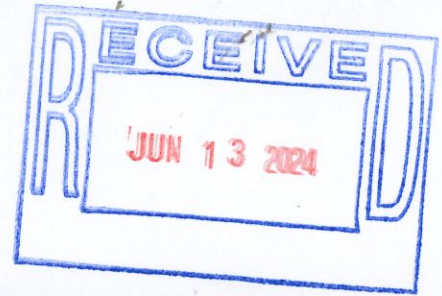
TRULINCS 76288510 - BAILEY, ANDRE - Unit: PHL-F-S

FROM: 76288510
TO: Campbell, Kerell
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA
V
ANDRE BAILEY

CASE NO. 23-CR-498



MOTION TO DISMISS

Comes now, I, Bailey, Andre-Lamont, hereafter "Orator", a living, natural, spiritual man, Sui Juris in Propria Persona, a private Pennsylvanian National/Private American Civilian and a Secured Party who enjoys the protection of Civilian due process of the law under Article III, Section II, Subsection I of the Constitution of the United States of America. I am not a U.S Citizen, a 14th Amendment Federal Citizen, a 14th Amendment Federal Employee, a taxpayer, Black, and not a Enemy. Ortor is filing this motion to dismiss on behalf of the U.S. juristic Person and principal debtor ANDRE LAMONT BAILEY (Ens Legis) a subsidiary trust entity of the STATE OF PENNSYLVANIA which renders the STATE OF PENNSYLVANIA as primarily liable and I the surety as secondarily liable. Orator is filing this motion to dismiss due to the following:

- 1) The Orator is a Living, Natural, Spiritual Man, a Private Pennsylvanian National/Private American Civilian and is not ANDRE LAMONT BAILEY, the subsidiary trust entity/Corporation that the corporation of the United States is Charging, the protection of Civilian due process of law is warranted under Article III, Section II, Subsection I of the Constitution of the United States of America.
- 2) The United States cannot be an injured party because the U.S. is a Legal Fiction, a Ens Legis, a Corporation. There has to be a living man or woman that is an injured party and has a verified and bona fide claim in, for a unlawful act to have taken place.
- 3) Rule 16, discovery is incomplete there are no competent witnesses with names and addresses. Police officers cannot testify or be witnesses nor can the prosecution, their testimony lacks subject matter jurisdiction. I am demanding a dismissal of case for lack of prosecution.-see Trinsey v Pagliaro D.C. P.A. (1964) 229 F. supp. 647
- 4) Orator's Civilian Due process rights being violated, there was no reasonable articulable suspicion, or a single articulable fact that a crime was committed to perform a traffic stop on Orators conveyance, the unlawful traffic stop violated Orators Constitutional rights under the color of law, while traveling privately and not doing commerce along with the unlawful search of the conveyance without a warrant is another due process violation. The Supreme court has ruled and said that you do not need a drivers license, registration or insurance to travel the roadways. The only time you need any of these things mentioned, is if you are using the roadways for commerce. Also the officer that initiated the traffic stop was in violation of Philadelphia's own Safety and Traffic Equity in Policing, or the STEP Act, that prevents police from stopping conveyances for broken tail lights, expired inspection, expired registration, etc.
- 5) The Orator has made a recorded declaration of status and it is on record with Bucks County Recorder of Deeds, Pennsylvania state, instrument number: 2022062864. [it was filed with my last motion]
- 6) The Orator requires that all military mode and municipal mode of acquiring jurisdiction shall be abated and void in its face due to number one above. Orator also requires that all claims be brought forth with the protection of private civilian due process of law under Article III, Section II, Subsection I of the Constitution of the United States of America.
- 7) The Orator is invoking Equity Jurisdiction and am exercising my right to Equitable Subrogation and has attempted to Lawfully Tender the Case/Account against the U.S. Juristic Person and Ens Legis ANDRE LAMONT BAILEY. This court has a Fiduciary obligation to accept my Special Deposit of a Lawful Tender or my Acceptance for Value of said Case/Account, failure to Accept should be an immediate dismissal an release.
- 8) Unlawful Proceedings the Orator has not violated the Constitution in any way, and the previous proceedings have failed to outline which part of the Constitution was violated. It also does not state in the Constitution that if convicted of a crime you lose all constitutional rights.

TRULINCS 76288510 - BAILEY, ANDRE - Unit: PHL-F-S

9) Failure of Due Process, the Orator was not brought to the grand jury proceeding when indictment was granted, Orator was not given a chance to rebut the case in front of the grand jury. Orator was also not properly served prior to being detained unlawfully, Orator should have been served with a warrant prior to seeing any magistrate.

10) Infringement of my 2nd Amendment Constitutional right to bear arms. You do not lose any Constitutional rights if you have been convicted of a crime.

11) Plaintiff and everyone involved have a financial interest in this matter with the completion of prosecution on these UnConstitutional statutes and codes, and will be trying to access the Ens Legis Trust account.

12) The Orator is a Private Pennsylvanian National/Private American Civilian and is well aware that this court has no judicial powers and statutes are not laws. Statutes and Codes do not exist under the Constitution and the courts have no rights under the U.S. Constitution to charge or convict people under any alleged statutory crime. The courts have no judicial powers under the statutory laws or any authority under the U.S. Constitution to enforce statutes and codes which are not laws. U.S. Constitution Article 6, Clause 2 "Supremacy Clause"- This Constitution and the laws of the United States shall be the supreme law of the land; and judges in every state shall be bound thereby anything in the Constitution or law of any state to the contrary notwithstanding. U.S. Constitution Article 1 Section 10, No state shall pass any ex post facto law: Right to petition redress of grievance now asserted Nunc Pro Tunc.

The loss of Amendment Freedoms for even minimum periods of time constitute irreparable harm.-see Elrod v Burns U.S. 347 (1976) Every state law must conform in the first place to the Constitution of the United States; and then to the subordinate Constitutions of the particular state; and if it infringes upon the provisions of either it is so for void.-see Houston v Moore U.S. 1. 5 Eid

All rights and safeguards contained in the first eight Amendments for the Federal Constitution are equally applicable,-see Malloy v Hogan 378 U.S. 1 (1964)

Statutes that violate plain and obvious principles of common rights are null and void.-see Bennet v Minor 23 Ohio 5t 211

The common law is the real law the supreme law of the land, the codes, rules, regulations, policies, and statutes are not the law.-see Self v Rhay 61 wn 2d (1963)

A statute is not law.-see Flourney v. First Bank of Shreveport 197 Le 1067. 3 Sp 244-248

It (the legislative or statutory laws) may not violate Constitutional prohibition or guarantees or authorize others to do so.-see Lockard v Los Angeles 533 U.S.

The elementary doctrine that the Constitutionality of a legislative act is open attack only by people whose rights are affected thereby applies to a statute.-see Board of Trade v Olsen 262 U.S. 1. 29. A.L.R. 2d 105

The judicial branch has only but one duty to lay the article of Constitution which is involved besides the statute and decide whether the latter squares the former.-see U.S. v Butler U.S. 116 (1929)

There are no judicial courts in America and there have not been since 1789, judges do not enforce statutes and codes, Executive Administrators enforce statutes and codes, there have not been any judges in America since 1789, just Executive Administrators.-see FRC v G.E. 281 U.S.464; Keller v DE 261 U.S. 428 1 stat 131 78

All litigants have a Constitutional right to have their claims adjudicated according to the role of precedent.-see Anristoff v United States 223 F. 3d 898 (8th cir 2000)

Where rights secured by the Constitution are involved there can be no rule making or legislation which could abrogate them.-see Miranda v Arizona 384 U.S. 384 U.S. 436 (1966)

The individual can stand upon his Constitutional right as a civilian, this power is contract and unlimited. He owes no duty to the state his rights can only be taken from him by due process in accordance with the Constitution.-see Hale v Henker 201 U.S. 43 (1906) Cited over 1600 times by federal and state courts stare decisis.

Waivers of Constitutional rights not only must they be voluntary they must be knowingly intelligent acts done with sufficient

TRULINCS 76288510 - BAILEY, ANDRE - Unit: PHL-F-S

awareness.-see Brody v U.S. 397 U.S. 742-748

All codes, rules and regulations are for government authority only. All codes, rules and regulations are unconstitutional and lacking due process.-see Rodriguez v Ray Donovan (U.S. Dept. of labor) 289 F. 2d 1344-1348 (1985)

Title 18 U.S. Code 2381 Capitol Felony Treason: If 2 or more witnesses in a open court of law fail to protect and uphold the U.S. Constitution in a timely manner, they are subject to the charge of Capitol Felony Treason.

CAVEAT

The dismissal of charges with prejudice is requested and must be dismissed pursuant to U.S. Constitution First, Second, and Fourth Amendment violations and no judicial powers as statutes and codes are not laws clearly proven by numerous adjudications herein stated. I regard it as just and necessary to give fair warning to this court of its consequences of its failure to follow the U.S. Constitution and uphold its oath and duty in this manner that it can result in the court committing Capitol Felony Treason and Tyranny, such trespass would be clearly evident to the public especially in light of the clean and unambiguous provisions of the U.S. Constitution which have no room for speculation. U.S. Constitution Article 6, Clause 2 "Supremacy Clause", The Constitution and the laws of United States shall be the Supreme law of the land and judges in every state shall be bound thereby anything in the Constitution not withstanding; U.S. Constitution Article 1 Section 10: No state shall pass any ex post facto law: right to petition redress of grievances now asserted Nunc Pro Tunc.

The dismissal of charges is warranted because of the fraud placed upon the court.-see Hazel Atlass v Hartford Company 322 U.S. 238

Judicial decisions, however numerous are subject to correction by the Constitution itself.-see State v Arregui Idaho 43. 52 A.L.R. 463

All rights and safeguards contained in the first eight Amendments are equally applicable.-see Molby v Hogan 37B U.S. 1 (1964)

A judge has no more right to disregard and violate the Constitution then a criminal has to violate the law.-see People Ex Rel Simmons v Snow 340 111 464; 32 A.L.R. 798

There is no law enforceable by the courts above or beyond the Constitution.-see Board of Education v Minor 23 Ohio st. 211

In so far as a runs counter the fundamental law of the land (Constitutional law) its superseded thereby.-see 16 AM Jur 2d 17 Late Am dur 2d 256

Where any court violates the plain and unambiguous language of the Constitution a fraud is perpetrated and no one is bound to obey it.-see State v Sullen (63 minn) 167. 65 m 262 L.R.A. 63

Whom no traverse is filed to a sworn motion to dismiss the court must base its ruling on the facts alleged in the motion to dismiss.-see State v Dalavedo 745 50 2d 1026-1027 (fla 2d D.C.A. 1999)

Plaintiff (United States) has (10) ten days to respond or rebut anything in this motion to dismiss with Lawful evidence to the contrary. Failure to do so is your full agreement to all facts stated in this motion to dismiss.

An Attorney (U.S. attorneys) for the plaintiff cannot admit evidence into the court he/she is neither an attorney or a witness.-see Trinsey v Pagliaro D.C. P.A. (1964) 229 F. supp. 647

Statement of Counsel in brief or in argument are not facts before the court.-see Trinsey v Pagliaro D.C. P.A. (1964) 229 F. supp. 647

Oath of office is required at Article VI, Clause 2 and 3 of the U.S. Constitution.

Respectfully Submitted
All Rights Reserved

By: Barley Fisher Lammal , Beneficiary
Sui Juris in Propria Persona
(UCC1-308)

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